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§ 87(2)(b)

Group Art Unit: 1636

Attorney
Docket: 00/20820

Examiner: Leffers Jr., J.

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This is in response to the United States Patent and Trademark Office Action mailed June 20, 2000, which response is being made on or before August 20, 2000, and for which a one month extension fee is due and submitted herewith.

The Examiner has identified three patentably distinct inventions and has required an election to be made.

Applicant hereby elects Group II (claims 24-48 and 92-113).

In Group II claims, the Examiner has identified patentably distinct species and has required elections to be made.

In Species I (reporter types), Applicant hereby elects the species of claim 31. Claims reading upon the elected species include claims 24 and 31 of which claim 24 is generic.

In Species II (transcriptional or translational regulatory elements/factors), Applicant hereby elects “transcriptional regulatory sequence”. Claims reading

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upon this elected species include claims 24 and 36 of which claim 24 is generic, and claims 92 and 101 of which claim 92 is generic. In addition, Applicant hereby elects "transcriptional regulator". Claims reading upon this elected species include claims 24 and 37 of which claim 24 is generic, and claims 92 and 102 of which claim 92 is generic.

In Species III (polypeptide types), Applicant hereby elects "a combinatorial peptide". Claims reading upon this elected species include claims 24 and 47 of which claim 24 is generic, and claims 92 and 112 of which claim 92 is generic.

Applicant notes that upon the allowance of a generic claim, Applicant is entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Not withdrawing from the above, Applicant reserves the right to file, at a later time, additional applications claiming priority from the present application and which are directed to any one or more of the other groups (I or III).

Respectfully submitted,



Sol Sheinbein
Attorney for Applicant
Registration No. 25,457

August 1, 2000.

Enc. one month extension fee